

I hereby certify that this paper (and all documents referred to herein) was deposited with the United States Postal Service as First Class Mail addressed to Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on June 4, 2007.


Esperanza C. McClurg

6/4/07
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

NORAIS, N. *et al.*

Serial No.: **10/535,168**

Group Art Unit: **To be assigned**

Filed : **06/29/2006**

Examiner: **To be assigned**

For : **UNEXPECTED SURFACE PROTEINS IN MENINGOCOCCUS**

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, mailed from the United States Patent and Trademark Office on April 24, 2007, enclosed herewith are the following documents.

1. Copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed April 24, 2007.
2. Substitute computer readable form (CRF) copy of the "Sequence Listing".
3. Substitute paper copy of the "Sequence Listing".
4. Statement Under 37 C.F.R. 1.821(e), 1.821(f), 1.821(g), 1.825(b), and 1.825(d).
5. Preliminary Amendment.
6. Petition for One-Month Extension of Time.

The Commissioner is hereby authorized to charge any fees under 37 CFR §1.16 and §1.17 which may be required by this paper, or to credit any overpayment to Deposit Account No. 03-1664. This, however, is not authorization to pay the issue fee.

Respectfully submitted,

Dated: May 24, 2007

By: 
Lisa E. Alexander
Reg. No. 41,576

NOVARTIS VACCINES AND DIAGNOSTICS, INC.
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**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/535,168

EXAMINER

DUFFY

ART UNIT

PAPER

1645

20070417

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The communication filed on 6-29-06 is not fully responsive to the communication mailed 11-30-05 for the reason(s) set forth on the attached Notice to Comply With Requirements.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR § 1.136(a).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia A. Duffy whose telephone number is 571-272-0855. The examiner can generally be reached on M-Th 7:30 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on 571-272-0787.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Pat A. Duffy
Patricia A. Duffy
Primary Examiner
Art Unit: 1645

Notice to Comply	Application No. 10 / 535,168	Applicant(s) Nourais et al	
	Examiner Duffy	Art Unit 1645	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Claims 4, 5 and 13 references multiple amino acid and nucleic acid sequences not in compliance with the sequence rules. Further, the claims are not in compliance with the sequence rules as the sequences are not referenced by specific SEQ ID NOS. Applicants are directed to place the application in full compliance with the sequence rules in response to this letter.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212 or 308-2923

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